

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
FEBRUARY 27 1996

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS TUESDAY EVENING FEBRUARY 27, 1996
IN REGULAR SESSION. PRESIDENT DONALD J. SCHMIDT
IN THE CHAIR, COUNCIL ATTORNEY BONAHOOM AND LARMORE AND
SANDRA E. KENNEDY, CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING
MEMBERS _____ VIZ:

BENDER P, CRAWFORD P, EDMONDS Absent
HALL P, HAYHURST P, HENRY P,
LUNSEY P, RAVINE P, SCHMIDT Absent

ABSENT: 2 members

COUNCIL MEMBER

Edmonds, Schmidt

_____, _____

THE MINUTES OF THE LAST REGULAR FEBRUARY 13 1996
_____ 1996
SPECIAL FEBRUARY 20 1996
SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its REGULAR Session, held on 27th day of FEBRUARY, 19 96, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 4th day of March, 19 96.

Sandra E. Kennedy
City Clerk

ROLL CALL

COMMITTEE SESSION

FEBRUARY 27, 1996

CITY OF FORT WAYNE, INDIANA

The Common Council of the City of Fort Wayne met in the Common Council
Conference Room 128 Tuesday evening February 27 1996
in Committee Session. President D.J. Schmidt, in the chair,
Council Attorney Joseph Bonahoom and Philip Larmore
and Sandra E. Kennedy City Clerk, at the desk, present the following members
viz:

BENDER P, CRAWFORD P, EDMONDS Absent
HALL P, HAYHURST P, HENRY P,
LUNSEY P, RAVINE P, SCHMIDT Absent

ABSENT: 2 members

COUNCIL MEMBER

Edmonds, Schmidt,
_____, _____



The City of Fort Wayne

Paul Helmke, Mayor

February 5, 1996

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-96-01-04

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
5th day of February 1996.

**Council action on this
recommendation must take
place prior to:
April 28, 1996.**

Carol Kettler Sharp
Secretary

/pb

xc: File

FACT SHEET

Z-96-01-04

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From R-3 to POD

DETAILS

Specific Location and/or Address

Southeast corner of Rothman and
Maplecrest Roads.

Reason for Project

A 4-building, 35,300 sq.ft. Professional
Office Development.

Discussion (Including relationship to other Council actions)

22 January 1996 - Public Hearing

(See Attached Minutes of Meeting)

29 January 1996 - Business Meeting

Motion was made and seconded to return the
ordinance to the Common Council with a
DO PASS recommendation.

Of the eight (8) members present, seven (7)
voted in favor of the motion, the Chair
did not vote. Motion carried.

Members Present: Linda Buskirk, Ernest
Evans, DeDe Hall, James Hoch, Stanley
Phillips, Thomas Quirk, Dave Ross, Carol
Kettler Sharp

Member Absent: Richard Pierce

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) IN Kentucky Conference, United Church of Christ City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

Date 14 December 1995

Date 5 February 1996

Date 5 February 1996

Date February 8, 1966

Reviewed by
Reference of

- b. Bill No. Z-96-01-04 - Change of Zone #604
From R-3 to POD
Southeast corner of Maplecrest & Rothman Roads

Primary Development Plan - Associated Family Medical Consultants

Ron Dick, architect, with Design Collaborative appeared before the Commission for the petitioners along with Dr. Patrick Holly, 12823 Calaway Drive and John Seculoff, 322 Bluecliff Place. Mr. Dick stated that they want to rezone the property in order to develop it into a professional office park. He stated that they intend to do this in two phases. He stated that their initial plan is to build a 6,000 sq ft primary care physicians office. He stated that there is an existing structure and parking lot on the property. He stated that Dr. Patrick Holly has done demographic studies in the area.

Dr. Patrick Holly, 12823 Calaway Dr stated that from a demographic standpoint the "35" zip code has a need for physicians to number 25, based on the population. He stated that current demographics show that there is one pediatrician and a dentist in that zip code. Otherwise there is no current physicians offices in the zip code. He stated that there is a need for 23½ physicians.

Ron Dick stated that Phase I is the 6,000 sq ft building, utilizing the existing parking lot and the existing entry from Rothman Road. He stated that they have met with the engineering departments and they are working on the issues regarding the property. He stated that they hope to have everything worked out and be able to submit for secondary plat approval in mid-February. He stated that their overall thrust is the 3-5 year range, as is shown on the primary development plan. He stated that they want to connect Rothman Road to Maplecrest Road with a through street and serve then some like facilities in the range of 6,000 and 7,000 sq ft single story structures. He stated that when the entire site is developed it will total approximately 35,000 sq ft on the entire site.

Ernest Evans questioned what they would do with the existing structure until it is demolished.

Mr. Dick stated that it will be given a "facelift" and rent it for a professional office. He stated that it would be occupied until the subsequent phases are built, at which time it will be torn down.

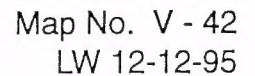
He stated that they have been dealing for the last several weeks with the Sewer Engineering Department and they feel that they have gotten to a satisfactory resolution for the sewer situation in the area.

DeDe Hall asked when Phase I would be started.

Mr. Dick stated that if all goes well they would like to start Phase I in the spring.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning and primary development plan.

CASE NO. #604



R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 9, 1996 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-96-01-04; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 22, 1996.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 29, 1996.

Certified and signed this
5th day of February 1996.



Carol Kettler Sharp
Secretary

The requested zoning is a POD or Professional Office District. The proposed use could be a reasonable buffer use between the future commercial uses and the existing residential uses. The POD zoning requires development plan approval of the Plan Commission, and can require landscape buffering where the project abuts residential zonings. Additionally, the site development is reviewed for potential impacts on traffic movement and safety.

The site is currently owned by the Indiana-Kentucky Conference United Church of Christ, and has an existing building located on it. The site is currently served by an existing access off Rothman Road. There is some existing parking that will be reused for the first phase of the development.

Although the current R-3 zoning classification is primarily a residential designation, it also permits multi-family uses, nursing homes, mortuaries, churches and nonprofit private clubs. An office or studio is also permitted if its location is first approved by the Board of Zoning Appeals following a public hearing. While there are certain land use restrictions imposed upon permitted uses in an R-3, that designation does not provide for the overall coordination of a development plan review before the Plan Commission. Staff believes that the proposed zoning designation and development plan could result in the establishment of a transitional zoning that could mitigate some of the future commercial development impacts. POD development is typically less intense and can blend into the residential character of the area to the south and east. Development of transitional yard landscaping can further buffer the residential areas.

It should be noted that this area is located in a designated capacity intense sewer service area. WPCE estimates that improvements will be more than a year away. The existing building is apparently currently connected to the sanitary sewer system. This capacity issue will need to be addressed by anyone interested in developing in this area, but will be resolved in the future.

Additional right-of-way and some lane improvements will be required with this development. The improvements will be tied into the county's Maplecrest Road extension project, and should be coordinated if possible. The future Maplecrest Road access will need to be a limited right-in / right-out access, in order to protect traffic movement along the corridor.

Recommendation: Do Pass for the following reasons:

- 1) POD development will require a development plan submittal and approval by the Plan Commission, ensuring the use of buffering techniques between future commercial, office and residential uses.
- 2) The requested zoning represents the highest and best use of the land.
- 3) Approval is consistent with the goals of the Comprehensive Plan for this area in that it will allow a degree of balanced growth in the area.

Ronald Dick of Design Collaborative, Inc., agent for Indiana Kentucky Conference, United Church of Christ, requests a change of zone from R-3 to POD.

Location: SE corner of Rothman and Maplecrest Roads

Legal: See file

Land Area: Approximately 7.2 acres

Zoning: R-3

Surroundings:

North	R-3/R-2	Residential
South	R-3	Residential
East	R-3	Open & Residential
West	B-2-B	Open

Reason for Request: A 4 building, 35,300 Sq. Ft. Professional Office Development.

Neighborhood Assoc.: Chadwick Neighborhood Association

Neighborhood Plan: No comment.

Comprehensive Plan: This property is located in the Northeast Sector of the Outer Ring. The overall goal of the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area. More specifically, the goal of the Northeast Sector is to maintain a balanced development pattern within the urban service area.

Planning Staff Discussion:

This site is located at the southeast corner of the intersection of Maplecrest and Rothman Roads. The acreage is located immediately north of Chadwick. To the east is a parcel of undeveloped ground, and a portion of the Hillsboro Addition. The Tanbark Addition is located directly north. On the west side of Maplecrest Road, at the intersection, are two parcels zoned for independent B-2-B (Community Shopping Center) development.

A B-2-B district would allow a maximum of 218,000 square feet of gross floor area dependent on compliance with all site design restrictions. A single anchor tenant could not exceed 60,000 square feet, or two anchors would be allowed at 45,000 square feet with all other tenants being restricted to 40,000 square feet or less. Both the northwest and southwest corners of the intersection are zoned for shopping center development. This potential for commercial development could probably affect the residential uses in the area. Fortunately, both developments would be subject to development plan approval of the Plan Commission, which may allow some mitigation measures to be required.



The City of Fort Wayne

Paul Helmke, Mayor

February 5, 1996

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-96-01-03

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
5th day of February 1996.

**Council action on this
recommendation must take
place prior to:
April 28, 1996.**

Carol Kettler Sharp
Secretary

/pb

xc: File

FACT SHEET

Z-96-01-03

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment

From R-1 & B2D to RA

DETAILS

Specific Location and/or Address

7700 Block of Hanna Street, west side

Reason for Project

72 new dwelling units in Phase II of Southbridge Apartments

Discussion (Including relationship to other Council actions)

22 January 1996 - Public Hearing

(See Attached Minutes of Meeting)

29 January 1996 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, the Chair did not vote. Motion carried.

Members Present: Linda Buskirk, Ernest Evans, DeDe Hall, James Hoch, Stanley Phillips, Thomas Quirk, Dave Ross, Carol Kettler Sharp

Member Absent: Richard Pierce

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)
Edward Rose Properties Inc,
agent for Merak Partners
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against

☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 14 December 1995

Projected Completion or Occupancy

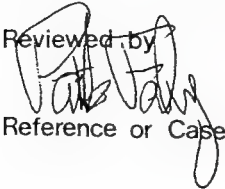
Date 5 February 1996

Fact Sheet Prepared by

Patricia Biancaniello

Date 5 February 1996

Reviewed by



Date February 8, 1996

Reference or Case Number

Public Hearing on Zoning Map Amendments and Primary Development Plans

- a. Bill No. Z-96-01-03 - Change of Zone #603
From R1/B2D to RA
7700 Block of Hanna Street

Primary Development Plan - South Bridge Apartments Section II

Jerry Speedy, 6100 Newport Road, Kalamazoo MI, representing Edward Rose of Indiana, the developer of the property in question appeared before the Commission. Mr. Speedy stated that this development that is before the Commission is an expansion of Southbridge Apartments. The property is 5.6 acres and lies just north of the existing Southbridge Apartments. They currently have 786 apartments in the existing development and will be 816 when they are finished with the last building. The new construction will add 72 new dwelling units. He stated that this new development seems like a natural extension of the existing development. He stated that the current zoning would permit the development of apartments. He stated that they are asking that the property be rezoned in order to place the ground under the same zoning classification as the existing units. They felt it would be appropriate to have the same zoning, same standards along with consistent restrictions as the current apartments. He stated that they will be construction two new buildings with 36 units in each. He stated they will be built in the same architectural style as the existing Southbridge Apartments.

Ernest Evans asked if the buildings would be two story.

Mr. Speedy stated that they would be 2½ to 3 stories.

Wilbur Knipstein, 8602 South Anthony Blvd., Mr. Knipstein stated that he is owner and operator of Knipstein Farms. He stated that he farmed the original land where the apartments are currently standing for approximately 30 years. He stated that he owns the land directly to the north and west of the proposed development. He stated that there will be a problem with the natural water drainage from the land. He stated that they had a meeting with the developer and they agreed that they would take care of the drainage. He stated that most of the ground to the north drains in a southerly direction. He stated that when they put an earth barrier on the property it will force the water, that normally would go south, to go west, and it will cause flooding for his crops. He stated that he is willing to work with the developers to prevent this from happening. He stated that he would hope that the Commission when approving this project would make it conditional on the drainage being corrected.

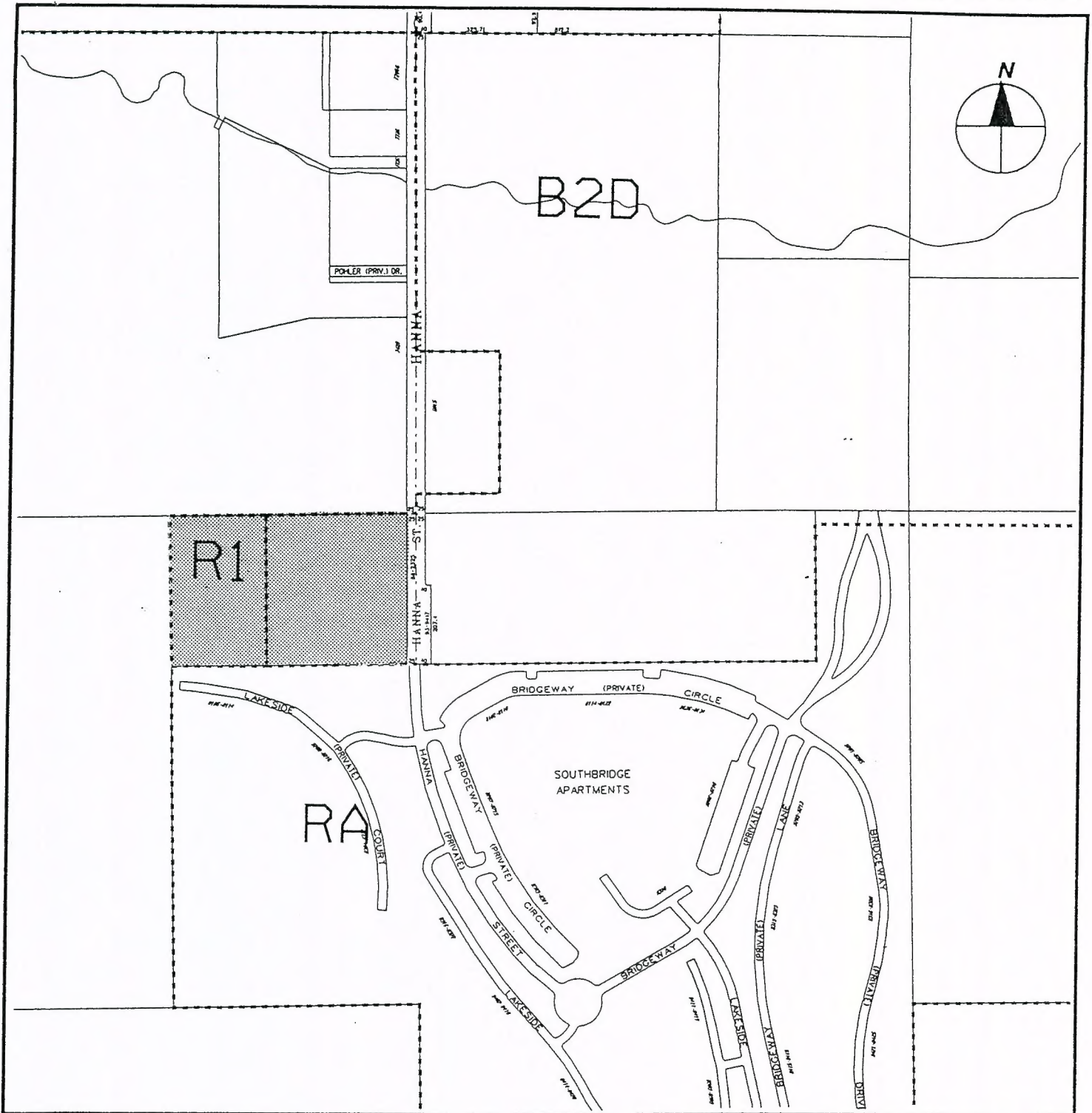
In rebuttal, Mr. Speedy stated that they are willing to work with Mr. Knipstein with regard to the drainage.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning and primary development plan.

REZONING PETITION

AREA MAP

CASE NO. #603



COUNCILMANIC DISTRICT NO. 5

Map No. N - 35
LW 12-12-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 9, 1996 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-96-01-03; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 22, 1996.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 29, 1996.

Certified and signed this
5th day of February 1996.



Carol Kettler Sharp
Secretary

Edward Rose Properties, Inc., agent for Merak Partners, requests a change of zone from R-1 and B-2-D to RA.

Location:	Hanna Street, west side		
Legal:	See file		
Land Area:	Approximately 5.65 acres		
Zoning:	R-1 and B-2-D		
Surroundings:	North	County/ R-1	Residential/Park
	South	RA	Southbridge Apartments
	East	B-2-D	Apartments & Commercial
	West	County	Open
Reason for Request:	72 new dwelling units in Phase II of Southbridge Apartments		
Neighborhood Assoc.:	None		
Neighborhood Plan:	No comment.		
Comprehensive Plan:	This property is located in the South Sector of the Outer Ring. The overall goal of the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area. More specifically, the goal of the South Sector is to actively encourage development.		

Planning Staff Discussion:

This site consists of ground that is currently zoned as a planned shopping center, and a portion that was recently annexed. The entire site is a total of 5.6 acres. The intent of the rezoning is to place the ground under the same zoning classification as the existing Southbridge development, and develop two new buildings consisting of 72 new dwelling units. The requested RA zoning would require development plan approval by the Plan Commission prior to the start of construction.

The primary development plan has also been filed, and has been reviewed by the Development Plan Committee. A separate analysis follows.

The site is located on the west side of Hanna Street, immediately abutting a portion of the existing Southbridge development. The ground to the immediate north and west is either open area or farm land. The east side of the street has been developed as Prestwick Square Apartments. Southtown Mall is located further east.

As indicated earlier, a portion of this site (approximately 3.4 acres) is currently zoned for

commercial development. The remaining 2.2 acres was converted to a single family residential classification upon annexation. The residentially zoned ground does not have any direct access to Hanna Street, and would access through the existing apartment complex's entrance.

In discussing the potential use with the developer it was suggested that a rezoning to RA should be considered as that would then provide for consistent restrictions on development. Staff feels that the requested zoning is appropriate for the area in that it currently abuts existing multi-family development to the south, and is directly across from a multi-family development located within the B-2 zone. While the front 3.4 acres could be developed under the existing planned shopping center classification, staff would prefer to have a more appropriate zoning for the multi-family development. Further, it would ease future development changes to have this phase of the development subject to the same rules and restrictions as the existing apartment complex development.

The westerly 2.2 acres is zoned R-1 and would have to be rezoned for multi-family development. The proposed project will provide full development of the acreage. The developer agreed that it would be in everyone's best interest to rezone the entire parcel to be consistent with the existing development.

Recommendation: Do Pass for the following reasons:

- 1) Approval is consistent with the existing development in the immediate area, and would not establish an undesirable precedent.
- 2) Approval is consistent with the goals of the Comprehensive Plan for this area, and infrastructure is available to support the proposed development.
- 3) Approval would allow this phase of the development to be subject to the same rules and restrictions as the existing development.